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SENATE

} REPORT
No. 1933

MR. AND MRS. PETER COPEYON

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3858]

The Committee on the Judiciary, to which was referred the bill (H. R. 3858) for the relief of Mr. and Mrs. Peter Copeyon, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to pay the sum of \$177 to Mr. and Mrs. Peter Copeyon, of Ludington, Mich., in full settlement of their claims against the United States for reimbursement of the value of a foot locker containing personal effects which belonged to their son, the late First Lt. Donald P. Copeyon, United States Army Air Force, and which was lost during 1944 while being shipped to him in France by the Army.

STATEMENT

On July 6, 1944, First Lt. Donald P. Copeyon, United States Army Air Force, entrusted his personal baggage to Army authorities in Baton Rouge, La., for shipment to the European theater of operations. After Lieutenant Copeyon arrived at his destination he received all of his personal property except one foot locker and its contents. Thereafter he made several inquiries as to the whereabouts of his lost foot locker, but he was not able to locate it.

Lieutenant Copeyon was killed in action in 1945. Following his death his parents made further and extensive inquiry of the Army regarding this lost property. No trace of the lost foot locker was found, and the parents abandoned the search on July 16, 1946.

Finally, on September 28, 1949, Mrs. Peter Copeyon requested that claim forms be sent to her for the purpose of making a claim for the lost foot locker and its contents. On January 9, 1950, a claim in the amount of \$177 was filed by Peter Copeyon as administrator of the estate of Donald P. Copeyon. This claim was denied by the Army Claims Division on the ground that the claim was not filed within 1 year from the date of loss, as required by the provisions of the Military Personnel Claims Act of 1945 (59 Stat. 225, 31 U. S. C. 222c).

The Army opposed this legislation because the claim was not filed within the period prescribed by the afore-mentioned statute. The committee is of the opinion, however, in view of all the circumstances disclosed here, that this should not deprive the parents of Lieutenant Copeyon of their right to recover the value of the contents of the foot locker admittedly lost by the Army. During the time when the claimants were actively pursuing the search for the missing property, within the statutory period, they were in frequent communication with the Army Quartermaster Corps, but never did they receive any advice regarding the statutory relief available to them. When they did learn of this relief the Army denied their claim solely on the ground that it was not filed in proper time. Therefore, the committee recommends favorable consideration of the bill.

Appended hereto, and made a part of this report, are the departmental report on this bill and supporting data for the claim of Mr. and Mrs. Copeyon.

DEPARTMENT OF THE ARMY

Washington 25, D. C., June 7, 1951.

Hon. EMANUEL CELLER,

Chairman, Committee on the Judiciary,

House of Representatives.

DEAR MR. CELLER: The Department of the Army is opposed to the enactment of H. R. 3858, Eighty-second Congress, a bill for the relief of Mr. and Mrs. Peter Copeyon.

This bill would authorize and direct the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. Peter Copeyon, Ludington, Mich., the sum of \$177 * * * in full settlement of all claims of the said Mr. and Mrs. Peter Copeyon against the United States for reimbursement of the value of a foot locker containing personal effects which belonged to their son, the late First Lt. Donald P. Copeyon, United States Army Air Force, and which was lost during 1944 while being shipped to him in France by the Army.

It appears from the records of the Department of the Army that on July 6, 1944, First Lt. Donald P. Copeyon, a member of the United States Army Air Force, entrusted his personal baggage to Army authorities in Baton Rouge, La., for shipment to the European theater. After Lieutenant Copeyon arrived at his destination he received all of his personal property except for one foot locker, together with its contents. Thereafter he made several inquiries as to the whereabouts of his lost foot locker, but he was not able to locate it. Lieutenant Copeyon was killed in action in 1945. Following his death his parents made further inquiry of several different offices of the Army regarding this lost property. No trace of the lost foot locker was found, and the parents abandoned the search on July 16, 1946. Finally, on September 28, 1949, Mrs. Peter Copeyon requested that claim forms be sent to her for the purpose of making a claim for the lost foot locker and its contents. On January 9, 1950, such claim in the amount of \$177 was filed by Peter Copeyon as administrator of the estate of Donald P. Copeyon.

The only statute under which a claim of this character may be considered is the Military Personnel Claims Act of 1945 (59 Stat. 225; 31 U. S. C. 222c), which provides, in pertinent part, as follows:

"No claim shall be settled under this act unless presented in writing within one year after the accident or incident out of which such claim arises shall have oc-

curred: *Provided*, That if such accident or incident occurs in time of war, or if war intervenes within 2 years after its occurrence, any claim may, on good cause shown, be presented within one year after peace is established."

Under the above-quoted statute there was no alternative but to disapprove the claim submitted by Mr. Copeyon for the reason that said claim was not submitted within 1 year after the accident or incident out of which the loss occurred, and no good cause was shown for the delay of more than 1 year in the filing of the claim.

On April 27, 1950, Mr. Copeyon was advised of the action taken on the claim, and on May 7, 1950, he requested reconsideration of such claim. Reconsideration was granted, and on June 12, 1950, after a careful review of the entire record in the case, Mr. Copeyon was advised that the previous decision disallowing the claim had been affirmed.

The Department of the Army is opposed to the enactment of special legislation of this type which would discriminate in favor of one claimant while others in the same category are not similarly benefited. There are no facts in this case which would justify singling out the beneficiary of this bill for preferential treatment. The Department, therefore, is obliged to recommend that this bill be not favorably considered.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

FRANK PACE, Jr.,
Secretary of the Army.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 21, 1951.

Re H. R. 3858, for the relief of Mr. and Mrs. Peter Copeyon

Hon. FRANCIS E. WALTER,

Chairman, Subcommittee on Claims, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. WALTER: This will refer to H. R. 3858, a bill introduced by me for the relief of Mr. and Mrs. Peter Copeyon, the rightful heirs of First Lt. Donald P. Copeyon, United States Air Force, killed in action on April 6, 1945.

The above claim is for the personal effects of Lieutenant Copeyon which were lost during 1944 while being shipped to France by the Army. They consist of the following:

1 foot locker.....	\$12
1 electric razor.....	15
2 trombone mouthpieces.....	15
1 General Electric radio.....	85
Personal clothing.....	50
Total.....	177

This is the amount established as due from the investigation by the Army. This is further supported by the enclosed letter from Mr. and Mrs. Copeyon, sworn to before a notary public.

Before his death, Lieutenant Copeyon instituted diligent search for the above locker and contents, and this was continued by the claimants until July 16, 1946.

The claimants made formal application under the Military Personnel Claims Act of 1945 on September 22, 1949, but this was denied on April 27, 1950, on the grounds that it had not been filed within 1 year after the loss had occurred, and that good cause for delay had not been shown.

It is felt that a bill for the relief of these aggrieved parents is well justified by the record. The correspondence in the files of the Army shows clearly that a genuine attempt was made to obtain a timely settlement of their claim. As early as June 13 following their son's death, inquiries were made as to the property in question and were continuously pursued until July 16, 1946, without avail.

The failure to apply seasonably for relief under Military Personnel Claims Act was due to an understandable lack of knowledge of the existence of such relief. It is interesting to note that after the passage of that act, at least six letters were written these parents by the Army Quartermaster Corps in regard to their claim and yet no mention whatsoever was made of the relief available under the act.

While there is no requirement that notice of this be given, still it seems an injustice to withhold information which the officials in question must have had.

For these reasons I respectfully urge an early hearing and favorable consideration of this bill.

Very truly yours,

RUTH THOMPSON.

JUNE 18, 1951.

MISS RUTH THOMPSON.

My DEAR CONGRESSWOMAN: Your letter of June 12 received and my wife and I wish to extend our sincere appreciation for the prompt attention and interest you have devoted to our claim.

In regards to the valuation of the contents of the foot locker, I will try and give the same information, as was given to the two Army officers who called at our home.

Our son had written us, that he had purchased all new officers' clothing before he was shipped overseas and that said clothing was in the foot locker.

The Army officers saw said letter and they set a price on same at \$50. How they arrived at such figure, I do not know.

It was questionable in our minds, but we said nothing.

We had purchased a General Electric portable radio, purchase price \$87.50, it was new.

One electric shaver price \$18 and officers set price at \$15.

Two trombone mouthpieces and we set price at \$8 each due to the fact, that we had purchased one previously, at said price.

In regard to placing any valuation on anything else that might have been in the foot locker, that would be impossible for us to do.

The thing that was questionable in our minds was the valuation set on the clothing, but we had no way of knowing whether it was right or wrong.

The information given in this letter is all we can give you and it was taken from my late son's letters.

Hoping that it will assist you in your efforts in our behalf, we remain,

Respectfully yours,

PETER COPEYON

LILLIAN COPEYON.

Subscribed and sworn to before me this 19th day of June A. D. 1951.

CLARENCE FONNESBECK,

Notary Public, Mason County, Mich.

My commission expires March 20, 1953.

[SEAL]

GRACE J. COLEMAN,

Notary Public, Mason County, Mich.

My commission expires January 19, 1954.

